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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,780	01/14/2004	Alain Bromann	247623US6	3120

22850 7590 04/29/2005

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EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/756,780

Applicant(s)

BROMANN ET AL.

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4-5-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### ***Drawings***

The drawings are objected to because in figure 2, "12" should point to the square section of the housing 11, and should not point to a portion of the pivot. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because in line 3, the legal terms "means" should be deleted, in line 7, "centring" should be change to -- centering --, and in the last line, "Figure 1." should be deleted. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: Appropriate correction is required.

On page 2, line 10, "future" should be changed to -- present invention --.

On page 3, line 3, "centring" should be change to -- centering --.

On page 4, line 6, "16at" should be changed to -- 16 at --.

On page 4, line 18, "12" should be changed to -- 16 --.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 1, lines 6-7, which recites that the heads of the levers are retained between the nuts and the casing, has no antecedent basis in the specification (Note the explanation below as to why this limitation is inaccurate).

***Examiner's Suggestions to Claim Language***

The following are suggestions to improve the clarity and precision of the claims:

In claim 1, line 1, "Assembly" may be changed to -- An assembly --.

In claim 1, line 6, -- the -- may be inserted after "of".

In claim 1, line 8, -- each -- may be inserted after "are".

In claim 1, line 10, "said" may be deleted.

In claims 2 and 3, line 1, "Assembly" may be changed to -- The assembly --.

In claim 3, line 3, -- the -- may be inserted after "that".

In claim 3, line 5, -- the -- may be inserted after "to".

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, lines 6-7 which recite that the heads 11 of the levers 10 are retained between the nuts 19 and casing 4, are inaccurate. The language "are retained" could be interpreted as the heads 11 of the levers 10 being retained in contact with the nuts 19 and the casing 4, which is inaccurate, because as disclosed in the specification and as seen in figure 1, for example, the heads 11 do not contact the casing 4 or any portion thereof.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, as far as they are definite and are understood, are rejected under 35 U.S.C. 102(b) as being anticipated by either European Patent Publication 545,656 (figure 2), or Venkatasubbu 5,308,226 (figure 2). Note the assembly arrangement of blades 20 with adjustable setting, comprising blade pivots 36 passing through a casing 23, control levers 43 engaged on

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portions of the pivots outside the casing (see column 2, lines 48-51 of the European Patent and column 2, lines 37-40 of Venkatasubbu, which both state that there are variable angle stator vane assemblies, which means that there are plural blade pivots and plural control levers), and nuts 44 screwed onto the threaded ends 36c of the outside portions, unnumbered heads of the levers being located between the nuts and the casing, and the outside portions being divided into two parts 36c and 41 connected by an axial position adjustment means (the internal threads of element 41) for varying the length of the external portions, one of the parts 41 of the pivots which is removable carrying the threaded end and comprising a lever stop (the axial face of the element 41), the levers 43 being clamped between the stops and the nuts 44, with the position adjustment means being a thread. Note that the limitation "an axial position adjustment means for varying the length of the external portions" in claim 1, lines 9-10 and claim 2, line 3, does not invoke 35 USC 112, sixth paragraph, because it fails to meet the third prong of the analysis set forth in MPEP 2181. Specifically, "an axial position adjustment" is sufficient structure that modifies the "means for varying the length of the external portions".

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bouhennicha is cited as the US equivalent to French Patent 2,699,595 cited by Applicants.

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*Allowable Subject Matter*


Claims 3/1 and 3/2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.  
April 27, 2005

  
Christopher Verdier  
Primary Examiner  
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